

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

In Re: The Matter of LB, a minor child,	)	
LB and Kaeci Bell,	)	
	)	
Petitioners,	)	
	)	
vs.	)	Cause No:
	)	
Anthem Insurance Companies, Inc.	)	
d/b/a Anthem Blue Cross and Blue Shield.	)	
	)	
Respondent.	)	

**SERVE:**

Anthem Insurance Companies, Inc.,  
120 Monument Circle  
Indianapolis, IN 46204

Indiana Division of Insurance  
311 Washington Street  
Indianapolis , IN 46204

Missouri Division of Insurance  
301 West High Street  
Room 530  
Jefferson City, MO 65101

**PETITION FOR WRIT OF MANDAMUS**

Come now the Petitioners, LB, a minor child, and her mother and Next Friend,

Kaeci Bell, by and through their attorney, Kenneth Leeds, and state to the Court as follows:

1. That at all times herein complained of Petitioners were residents of the County of St. Louis, State of Missouri.

Exhibit

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2. That Petitioner LB was born on June 11, 2018.

3. That Petitioner Kaeci Bell, hereinafter referred to as "Kaeci" is the natural mother of LB.

4. That at all times herein complained of Respondent Anthem Insurance Companies, Inc., d/b/a Anthem Blue Cross and Blue Shield, was a duly licensed insurance company authorized to do business, including the selling and marketing of health insurance policies in the State of Missouri.

5. That at all times herein complained of there was in full force and effect a family policy of health insurance, Member ID# AOC128M61175, hereinafter referred to as the "Policy," issued by the Respondent to John Bell, husband of Kaeci Bell and father of LB.

6. That at all times herein complained of LB was a covered insured under the Policy.

7. That sometime in January 2019 Petitioner LB developed an upper respiratory virus and ear infection.

8. That on February 10, 2019, LB became very sick and was taken by ambulance to St. Clare Hospital. While at St. Clare, LB suffered 2 seizures and was unresponsive. She was subsequently transferred to Cardinal Glennon Hospital.

9. That while at Cardinal Glennon Hospital, LB was diagnosed with Rhinovirus, Adenovirus and H Flu. LB was placed on antibiotics for 14 days, was put on a ventilator for 5 days and spent 9 days in the pediatric intensive care unit (PICU). Radiological studies showed that, inter alia, swelling on the brain. In addition, it became apparent that LB was suffering from significant neurological deficits, including dystonia, because she was and is unable to hold up her head and that she had and has no control of her upper and lower extremities.

10. That on or about February 19, 2019 LB was transferred from the PICU to a regular room where she spent 17 days. During this time LB was taken off oxygen and started to take 1-2 ounces of formula from a bottle. LB spiked a fever for a few days from which she recovered.

11. That during her February 10, 2019 Cardinal Glennon admission, the neurology team put LB on steroids for the brain swelling. In addition, the results of an MRI showed that LB had black spots in her brain suggestive of dead brain tissue and that she was suffering from static encephalopathy. The neurology team advised Kaeci that LB could also be suffering from a Mitochondrial Disease (a genetic disease). Thereafter, the doctors started LB on a Mitochondrial cocktail of medicine pending the results of genetic testing that has been requested but not approved by Respondent.

12. That because of an improvement in LB's condition, LB's doctors referred her to RankenJordan Pediatric Bridge Hospital, hereinafter referred to as "Ranken" for physical rehabilitation.

13. That at all times herein complained of Rankin was and is a nationally recognized pediatric skilled nursing facility (SNF) that specializes, inter alia, in pediatric physical rehabilitation.

13. That on March 8, 2019 LB was discharged from Cardinal Glennon Hospital and was transferred to Ranken in order that she could begin rigorous physical therapy.

14. That at all times herein complained of Respondent authorized and agreed to cover LB's treatment at Rankin.

15. That on or about March 15, 2019 LB's health regressed to the point that she was not sleeping well and that she would only drink a few ounces of formula.

16. Because of her change in condition, LB's health care providers at Rankin suggested it would be in LB's best interest that she be readmitted to Cardinal Glennon for treatment. LB was readmitted to Cardinal Glennon on March 20, 2019.

17. On March 22, 2019 LB's doctors made the medical determination that LB was well enough to return to Rankin in order that she could continue to undergo the physical therapy that she needed.

18. That at all times herein complained of LB's need for extensive rehabilitation at Rankin did not change between the time she was first admitted to Rankin up to and including the date of filing this Petition.

19. That without cause or justification Respondent has refused to approve LB's readmission to Rankin or any other similarly situated SNF.

20. That pursuant to the terms of the Policy, LB and her health care providers have appealed Respondent's denial of coverage on three separate occasions only to be denied on March 22, 2019, March 25, 2019, March 27, 2019, and April 9, 2019.

21. That on April 1, 2019, Petitioners' attorney faxed a letter to Respondent demanding that Respondent approve LB's necessary medical treatment at Rankin. In that same letter Petitioners' attorney demanded that Respondent furnish to Petitioners the names of each and every health care provider, along with his/her written opinion(s), that reviewed LB's medical records and who has opined that LB does not need the skilled nursing treatment available at Rankin.

22. That at all times herein complained of Respondent arbitrarily, capriciously and without justification has refused and continues to refuse to cover LB's treatment at Rankin.

23. That at all times herein complained of Respondent has refused and continues to refuse to provide Petitioners with the written opinions of the health care providers who have issued the opinions upon which Respondent has relied in denying coverage to LB.

24. That every day that LB is deprived of the skilled nursing care offered by Rankin, LB's ability to recover from her neurological impairments is delayed and may result in her suffering permanent and irreversible damage.

25. That on the face of the allegations set forth herein, LB does not have an adequate remedy at law.

26. That LB's family does not have the financial ability to pay for the treatment that Rankin can provide her.

Wherefore, Petitioners' pray that this Court enter its preliminary order in mandamus ordering the Respondent to approve LB's recommended medical treatment at Rankin; find that Respondent has acted capriciously, arbitrarily and without just cause or excuse in denying coverage for LB's treatment at Rankin; order Respondent to pay Petitioners' attorney fees for bringing this action; that Respondent be ordered to pay for all costs herein incurred herein, and that this court enter such other and further relief as it deems just and proper.

/s/Kenneth A. Leeds #30885  
906 Olive Street, Penthouse  
St. Louis, Missouri 63101  
314-726-5555  
314-725-3012 (Fax)  
kennethaleedspc@leedspc.com

6/5/2019

Pentton 2.jpeg

Electronically Filed - St Louis County - June 05, 2019 - 03:29 PM

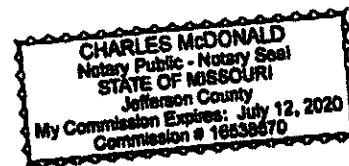
I, Kaeci Bell, being duly sworn, state that the forgoing statements are true to the best of my knowledge and belief.

  
Kaeci Bell  
Petitioner and Next Friend of LB

Subscribed and sworn to before me on the 13 day of May, 2019.

  
Notary Public

My Commission Expires: 7-12-2020



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Respondent.	)	

**MOTION TO BE APPOINTED**  
**NEXT FRIEND OF LB**

Comes now Petitioner, Kaeci Bell, mother of LB, a minor child, and moves that she be appointed the Next Friend of LB, in order to represent her in her Petition against Anthem Insurance Companies, Inc., d/b/a Anthem Blue Cross and Blue Shield.

/s/Kenneth A. Leeds #30885  
906 Olive Street, Penthouse  
St. Louis, Missouri 63101  
314-726-5555  
314-725-3012 (Fax)  
kennethaleedspc@leedspc.com

6/5/2019

Consent 2.jpeg

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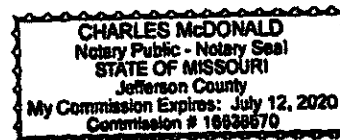
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Kacei Bell  
Petitioner and Next Friend of LB

Subscribed and sworn to before me on the 13 day of May, 2019.

  
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Respondent.	)	

**CONSENT TO BE APPOINTED**  
**NEXT FRIEND OF LB, A MINOR CHILD**

Comes now Petitioner, Kaeci Bell, mother of LB, a minor child, and consents that she be appointed the Next Friend of LB, in order to represent her in her Petition against Anthem Insurance Companies, Inc., d/b/a Anthem Blue Cross and Blue Shield.

/s/Kenneth A. Leeds #30885  
906 Olive Street, Penthouse  
St. Louis, Missouri 63101  
314-726-5555  
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Motion 2.jpeg

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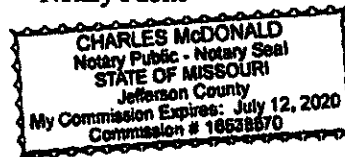
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Kaeci Bell  
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**ORDER OF APPOINTMENT OF NEXT FRIEND**

On Motion of Petitioner Kaeci Bell, it is hereby ordered that she be appointed  
Next Friend of her daughter, LB.

Date\_\_\_\_\_

\_\_\_\_\_  
Judge